

# **EXHIBIT 14**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD ROSARIO,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

18-cv-4023 (LGS)

**DECLARATION OF KATE FETROW**

I, Kate Fetrow, an attorney admitted to practice in the State of New York and the Southern District of New York, submit this declaration under penalty of perjury:

1. From September 2019 until September 2021, I was employed as an associate at Neufeld Scheck & Brustin, LLP, (“NSB”) with offices at 99 Hudson Street, 8th Floor, New York, New York 10013.
2. I make this declaration in support of an application for attorneys’ fees pursuant to 42 U.S.C. § 1988, covering the hours I expended on this matter. I am fully familiar with the facts discussed herein.

**EDUCATION AND EXPERIENCE**

3. In 2017, I graduated from Stanford Law School where I served as an Associate Editor of the *Stanford Law & Policy Review*, and was recognized as the Justice John Paul Stevens Public Interest Fellow, a Ford Foundation Fellow, and a Kirkland & Ellis Scholar. During my three years as a law student, I also participated in the Supreme Court Litigation Clinic, served for a Research Assistant for three professors, worked as a Teacher’s Assistant for Federal Courts, and was awarded Class Prizes in eight courses, including Constitutional Litigation and Civil Procedure. After graduating, I clerked for Chief Judge David J. Barron in the United States Circuit Judge for the U.S. Court of Appeals for the First Circuit, from

August 2017 to July 2018. I then clerked for Judge Charles R. Breyer in the United States District Judge for the Northern District of California, from August 2018 to September 2019. After my clerkship ended, I joined NSB as a Cochran Fellow in the fall of 2019. When my fellowship term ended in the fall of 2021, I joined the New York Legal Assistance Group, Special Litigation Unit, as a Staff Attorney. My resume is attached as Exhibit A.

4. During my time at NSB, I worked almost exclusively on 42 U.S.C. § 1983 civil rights litigation in federal courts around the country. My practice focused on wrongful conviction cases such as Richard Rosario's, involving lawsuits against police, prosecutors and/or state and municipal crime lab employees for unconstitutional misconduct. This body of law, arising at the intersection of criminal procedure and civil rights, is relatively new and constantly evolving. To my knowledge, NSB is the only firm in the nation litigating these issues full time.
5. Generally, all these cases involve procedural defenses such as absolute and qualified immunity and require a nuanced understanding of the differences between what it takes to vacate a criminal conviction and the elements of civil liability. In addition, the cases typically involve the same sets of claims, including for fabrication of evidence, *Brady*, and malicious prosecution, and involve similarly flawed inculpatory evidence, including misidentifications caused by suggestive identification procedures. My focus on these issues during my time at NSB, as well as access to NSB's collective knowledge derived from litigating these cases for over twenty years, made my work on this case much more efficient than it otherwise would have been.
6. On behalf of counsel for Plaintiff, I am seeking compensation for my work at a rate of \$375 an hour. In my opinion, this requested rate is reasonable in light of the relevant market and my experience and skill.

**WORK IN THIS CASE**

7. I am seeking compensation, on behalf of counsel for Plaintiff, for the time I spent on this matter from March 2021 to April 2021.
8. Under the guidance of my senior colleague, Anna Benvenuti Hoffmann, I conducted research in support of a jury questionnaire motion and drafted parts of Plaintiff's motions in limine.
9. As set forth in the billing records attached as Exhibit B, which come from contemporaneously kept timekeeping logs, I am seeking compensation for a total of 24.9 attorney hours in this matter.
10. I have reviewed my timekeeping log for this matter in its entirety and made an effort to take a conservative and reasonable approach to the total hours for which I seek compensation. In my judgment, each hour set forth in Exhibit B was necessitated by the circumstances and reasonably expended in pursuit of the ultimate favorable outcome in this complicated and important civil rights case.
11. I hereby declare under penalty of perjury that the foregoing is true.

Date: September 28 2022

New York, NY

  
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Kate Fetrow

# EXHIBIT A

## KATE FETROW

### EDUCATION

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**Stanford Law School, Stanford, CA, J.D. 2017**

*Awards:*

Pro bono highest distinction (over 300 hours of pro bono work), Kirkland & Ellis Scholar (highest achieving student in first-year section), Justice John Paul Stevens Public Interest Fellow Summer 2016, Ford Foundation Fellow Summer 2015.

*Class Prizes:*

Constitutional Litigation, Federal Courts, Administrative Law, Civil Procedure, Clinical Methods for the Supreme Court Litigation Clinic, Social Justice Impact Litigation: Issues and Strategies in Suits Against the Federal Government, Torts, Legal Ethics.

*Student Activities, Leadership, and Pro Bono:*

Law Students for Reproductive Justice (Executive Board Member), International Refugee Assistance Project (Policy Director), Public Interest Fellow, *Stanford Law & Policy Review* (Associate Editor), Immigration pro bono, Stanford Center for Latin American Studies Working Group on Human Rights in Latin America (2015-2016) (awarded \$5,000 grant to organize events on human rights advocacy in Latin America), Reproductive Justice and Criminal Defense pro bono, Stanford International Human Rights Law Association (Co-President), Public Interest Clerkship Committee member, Public Interest mentor, Women of Stanford Law mentor.

**Bates College, Lewiston, ME, B.A. with Honors, Politics and Philosophy, 2013**

*Awards and Activities:*

Honors, *cum laude*, concentration in Law and Society, Phi Beta Kappa, Maung Maung Gyi (awarded annually to one graduate for academic excellence in the politics department), Branham Scholar (awarded for independent research in Bolivia); Vice President of Brooks Quimby Debate Council; semester abroad in Cochabamba, Bolivia.

*Theses:*

Honors Philosophy thesis: "Towards Global Justice: Reconciling Rawlsian Liberalism and Cosmopolitanism in an Interconnected World."  
Politics thesis: "Reclaiming Rights: Indigenous Peoples and State Sovereignty."

### EXPERIENCE

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**New York Legal Assistance Group, New York, NY**

*Staff Attorney*

September 2021-Present

Litigate class actions and structural reform litigation in federal and state court on behalf of low-income New Yorkers, including on special education, immigration, consumer protection; draft and edit demand letters and complaints, engage in briefing, discovery, and settlements.

**Neufeld Scheck & Brustin, LLP, New York, NY**

*Johnnie L. Cochran, Jr. Fellow*

September 2019–September 2021

Litigate civil rights wrongful conviction, police excessive force, and prison conditions cases in federal and state court; present oral argument; draft and edit complaints, motions, trial and appellate briefs, and demand letters; prepare for and take depositions; conduct document discovery, including motion practice; interview clients and witnesses; supervise and mentor paralegals and interns.

**United States District Court for the Northern District of California, San Francisco, CA**

*Law Clerk to the Honorable Charles R. Breyer*

August 2018–September 2019

**United States Court of Appeals for the First Circuit, Boston, MA**

*Law Clerk to the Honorable David J. Barron*

August 2017–August 2018

**American Civil Liberties Union, Reproductive Freedom Project, New York, NY**

*Justice John Paul Stevens Public Interest Fellowship Intern*

June–August 2016

Drafted and edited motions and briefs; engaged in legal and factual research in preparation for litigation; analyzed proposed state and federal regulations; conducted written discovery; assisted with client recruitment.

*Internship (Remote)*

September–December 2016

Continued to conduct legal research and assist with litigation.

**Stanford Law School, Stanford, CA**

*Supreme Court Litigation Clinic*

March–June 2016

Wrote two briefs filed with the United States Supreme Court at the merits and certiorari stages; provided feedback and critiques on six briefs; helped prepare for oral arguments.

*Advanced Supreme Court Litigation Clinic*

September–December 2016

Wrote brief filed with the United States Supreme Court at the merits and certiorari stages; supervised team of clinical students; provided feedback and critiques on five briefs.

*Teacher's Assistant, Federal Courts*

April–June 2017

Assisted Professor David Freeman Engstrom: prepared class discussion questions and answer guides; prepared unit summaries for students; answered student questions.

*Research Assistant*

September 2015–March 2017

Provided research assistance for Professors David Freeman Engstrom, Jane Schacter, and James Cavallaro: conducted legal research and analysis on employment discrimination, development of class action litigation, and political polarization of the judiciary; drafted portions of textbook on the Inter-American Human Rights system.

**Women's Link Worldwide, Madrid, Spain**

*Ford Fellowship Intern*

June 2015–August 2015

Conducted research and drafted memoranda on reproductive justice, human trafficking, and gender-based violence.

*Consultant*

August 2015–June 2016

Edited a book on the use of strategic litigation for social justice advocates.

**Dunkiel Saunders Elliott Raubvogel & Hand, LLC, Burlington, VT**

*Paralegal*

July 2013–July 2014

Paralegal at public interest law firm; supported attorney work.

**PUBLICATIONS & LECTURES**

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New York State Trial Lawyers Association Webinar, *Constitutional Rights of Arrested Persons and Incarcerated Prisoners as well as Protection Against Injuries Caused by Abusive Misconduct or Deliberate Indifference* (2021).

*Taking Abortion Rights Seriously: Towards a Holistic Undue Burden Jurisprudence*, 70 Stan. L. Rev. 319 (2018).

*Reclaiming Rights: Indigenous Peoples and State Sovereignty*, 2 Williams C. L. J. 12 (2013).

**ADDITIONAL INFORMATION**

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*Admissions*: New York, Second Circuit Court of Appeals, United States District Court for the Southern District of New York; United States District Court for the Eastern District of New York.

*Volunteer*: Board Member and Secretary of Debate Spaces, nonprofit fostering youth community engagement through debate.

# **EXHIBIT B**



**ALL HOURS**

<b>Date</b>	<b>Person</b>	<b>Client</b>	<b>Activity</b>	<b>Description</b>	<b>Duration</b>	<b>Time Totals</b>
12-Mar-21	Kate Fetrow	Rosario (Richard)	Phone Call	Team call on MILs	0:42	0.7
7-Apr-21	Kate Fetrow	Rosario (Richard)	Review	Review examples of jury questionnaire motions	0:24	0.4
8-Apr-21	Kate Fetrow	Rosario (Richard)	Phone Call	Review sample jury questionnaire motions; call with Anna on same	0:48	0.8
9-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	Draft MIL	1:24	1.4
10-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	Draft motion in limine	5:24	5.4
11-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	Draft MIL	2:06	2.1
12-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	draft motion in limine	0:18	0.3
14-Apr-21	Kate Fetrow	Rosario (Richard)	Review	Edit MILs	1:36	1.6
15-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	Edit MIL	5:00	5.0
16-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	Edit MIL	6:14	6.2
28-Apr-21	Kate Fetrow	Rosario (Richard)	Draft	Edit MIL	1:00	1.0

<b>Total</b>	<b>24.9</b>
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